

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 2:19-mc-50011

Tyrone Vannoy,

Defendant.

Sean F. Cox

United States District Court Judge

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**ORDER DENYING “REQUEST FOR RETURN OF PROPERTY” (ECF No. 1) AND  
“REQUEST FOR DEFAULT OR JUDGMENT OF AFFIDAVIT OF FACT/WRIT OF  
DISCOVERY, WRIT OF RETURN OF PROPERTY (ECF No. 3)**

A jury convicted Defendant Tyrone Vannoy of being a felon in possession of a firearm. *United States v. Vannoy*, No. 17-20551 (E.D. Mich. filed August 22, 2017) (ECF No. 145). In this separate proceeding, Vannoy filed a request for return of property and seeks discovery material. (ECF No. 1). Vannoy also filed a “request for default or judgment of affidavit of fact/writ of discovery, writ of return of property.” (ECF No. 3).

**a. Writ for Return of Property**

Pursuant to Federal Rule of Criminal Procedure 41(e), Vannoy seeks the return of a van that was “confiscated illegally” “in violation of the Fourth Amendment.” (ECF No. 1, PageID 1). However, federal courts lack subject-matter jurisdiction if there is no evidence that a federal agent or agency ever had real or constructive possession of the property. *United States v. Hayden*, 2009 WL 3872146 at \*2 (E.D. Mich. 2009) (citing *United States v. Oguajo*, 107 F. App’x 541, 543 (6th Cir.2004)). Vannoy provides no evidence that any federal agent or agency ever possessed his van.

Thus, the Court concludes that it does not have subject-matter jurisdiction over this writ.

**b. Writ of Discovery**

Vannoy seeks various discovery materials. Twice before, the Court has dealt with these exact discovery requests. (No. 17-20551, ECF No. 134, PageID 981-982 and No. 17-20551, ECF No. 141, PageID 1001). The Court will deny these discovery requests for the reasons stated in its November 8, 2018 order. (No. 17-20551, ECF No. 134, PageID 981-982). Further, these requests are moot because they are being made post trial.

**c. Request for Default**

In this request, Vannoy asks the Court to dismiss his criminal charges (and presumably overturn his conviction) because the Government failed to respond to his writs within 10 days. This 10-day deadline appears to be of Vannoy's own invention. (ECF No. 1, PageID 4). Vannoy provides no authority for why the Government's failure to adhere to a timeline created by a criminal defendant would require the dismissal of the defendant's charges. The Court will deny this request.

**ORDER**

For the reasons above, the Court ORDERS that Vannoy's Request for Return of Property (ECF No. 1) and Request for Default. (ECF No. 3) are DENIED.

IT IS SO ORDERED.

Dated: February 14, 2019

s/Sean F. Cox  
Sean F. Cox  
U. S. District Judge

I hereby certify that on February 14, 2019, the foregoing document was served on counsel of

record via electronic means and upon Tyrone Vannoy via First Class mail at the address below:

Tyrone Vannoy 55835039  
MILAN FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 1000  
MILAN, MI 48160

s/J. McCoy  
Case Manager